

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00369

Barry Emmett,
Plaintiff,

v.

Gary Alexander et al.,
Defendants.

ORDER

Plaintiff Barry Emmett, a prisoner of the Texas Department of Criminal Justice proceeding pro se, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983 without paying the filing fee. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636(b).

On September 21, 2022, the magistrate judge issued a report recommending that the court deny plaintiff leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g) and dismiss this case unless plaintiff paid the full filing fee within fifteen days. Doc. 3. A copy of the report was mailed to plaintiff, who received it on October 5, 2022. Doc. 8. Plaintiff has not filed written objections or paid the full filing fee.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff is denied leave to proceed without payment, and this case is dismissed with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g), but without prejudice as to the refiling of the lawsuit with payment of the full filing fee.

So ordered by the court on December 8, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge